

REMARKS

Entry of the Amendment Pursuant to 37 C.F.R. 1.116 filed on November 26, 2007, as well as this Preliminary Amendment, is respectfully requested before continued examination of the instant application.

The Final Office Action of September 13, 2007 had been received and carefully reviewed. It is submitted that, by this Preliminary Amendment and the Amendment filed on November 26, 2007, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 20-23 and 25 remain in the application. Reconsideration of the claims is respectfully requested.

Further, in the advisory action of December 18, 2007, the Examiner states that in the Applicants' specification as filed, the only mentioning of surface pore size is on page 14, which states that the surface pore size is to be "about 10 microns on average". As such, the Examiner asserts that the recitation in independent claim 20 (as presented in the response filed November 26, 2007) raises new matter issues.

In this Preliminary Amendment, the specification on page 9 has been amended to insert the sentence: "In one embodiment, the composition is void of pores larger than about 10 microns." This sentence includes the language from cancelled claim 24, which was originally presented in the application as filed. As such, Applicants submit there is support in the application as filed for both the amendment to the specification presented herein and the recitation in claim 20 that, "said surface pores being no larger than about 10 microns". It is submitted that no new matter has been added with either of these revisions.

In the Final Office Action of September 13, 2007, claims 20-23 and 25 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Barlow (U.S. Patent Publication No. 2001/0005797) and further in view of Sherwood (U.S. Patent Publication No. 2003/0114936).

Applicants refer the Examiner to all of the remarks/arguments presented in the After Final amendment dated November 26, 2007. As previously mentioned, in the After Final amendment dated November 26, 2007, claim 20 was amended to delete the phrase "on average" so that the claim reads that surface pores are no larger than "about 10 microns". It is submitted that this amendment, in light of the arguments set forth in the After Final amendment dated November 26, 2007, should overcome the §103(a) rejection described above. As set forth above, the revision to claim 20 is supported by the application as originally filed, specifically in claim 24, and thus does not constitute new matter.

Therefore, the Applicants' invention as defined in present claim 20 has support in the application as it was originally filed, specifically in a claim (see MPEP §608.01(I)). Furthermore, the specification has been amended to include the subject matter of claim 24 into the specification. As such, there is no new matter in either claim 20 or the presently amended specification.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claim 20, and those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

In summary, claims 20-23 and 25 remain in the application. It is submitted that, through the Amendment Pursuant to 37 C.F.R. 1.116 filed on November 26, 2007, as well as this Preliminary Amendment, Applicants' invention as set forth in these claims is in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, he is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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